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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,862	02/19/1998	MASAHIDE TANAKA	06205.0010	1086

7590

06/04/2002

McGuire Woods LLP
1750 Tysons Boulevard Suite 1800
McLean, VA 22102

EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/025,862

Applicant(s)
Masahide TANAKA et al.

Examiner
Ngoc-Yen VU

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 22, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 ~~is/are~~ pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22 ~~is/are~~ allowed.
- 6) ☒ Claim(s) 1-10, 16-19, and 21 ~~is/are~~ rejected.
- 7) ☒ Claim(s) 11-15 ~~is/are~~ objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Response to Amendment

1. The amendments, filed on 03/22/2002, have been entered and made of record.

With respect to the Applicant's amendments to the title and claims 20-21, the objection to the title and claims 20-21 is hereby withdrawn.

It is noted that Figure 2, as marked in red in the drawing correction, has not been received by the Office.

Response to Arguments

2. Applicant's arguments filed 03/22/2002 have been fully considered but they are not persuasive.

With respect to the Fellegara '166 reference, the Applicant argues that Fellegara teaches converting an optical image to a digital electromagnetic signal indicative of a still image, but not directed to modifying the electromagnetic signal generated in accordance with a wireless telephone system into a digital electronic signal indicative of a still image, as recited in claim 1 (pages 6-7 of the response). The Examiner disagrees. The Harris '336 reference was used to show a receiver which receives the electromagnetic signal generated in accordance with a wireless telephone system. The Fellegara reference was cited to show "a modifying unit which modifies the electromagnetic signal into a digital electronic signal indicative of a still image." Fellegara teaches that in a hybrid image capture mode, a microcontroller 120 generates a reduced sized digital image by electronically cropping the size of the full resolution digital image, and

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compresses the images prior to storing the digital image data in a memory (see col. 10 line 53 - col. 12 line 55). Fellegara teaches in column 15, lines 21+, that the image format of a full digital image for a given image capture mode can be selectively changed using the image format function icon (212). Fellegara also teaches that a camera operator can perform image processing functions including zooming, cropping, and panning utilizes the camera control interface (74) in conjunction with a user interface displayed on the display screen (36) (col. 19 line 8 - col. 20 line 35).

With respect to the independent claim 21, the Applicant argues that the Office action fails to describe which portion of the cited references teaches or suggests the claimed feature “a device which prevents the selecting device from selecting the digital electronic signal indicative of the still image unless the selection is requested by a manual operation.” The Examiner respectfully disagrees. Harris teaches that the communication device (104) is selectively configured for a telephone mode or a video conferencing mode using softkeys 202-205 which manually operated by a user (see col. 9 line 6 - col. 11 line 58).

In view of the teaching in the cited references as discussed above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited references for at least the reasons discussed above and as detailed in the following Office action.

The Office action is now made final.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1-10, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US #6,009,336) in view of Fellegara et al. (US #5,845,166).

Regarding claims 1-10, 16-19 and 21, Harris teaches a digital still camera capable of telecommunication comprising a device for converting an optical image into a digital electronic signal indicative of a still image, a receiver for receiving an electromagnetic signal generated in accordance with a wireless telephone system, and a display device for displaying a still image. The claims differ from Harris in that they require a modifying unit for modifying the received electronic magnetic signal into a digital electronic signal indicative of a still image.

In the same field of endeavor, Fellegara teaches a digital imaging system having a modifying unit (camera operator interface 74) which allows digitally images to be manipulated (col. 10 lines 30+; col. 14 lines 16+). It is noted that Fellegara also teaches that the digital imaging system is communicated with a host computer via a wireless communication link (col. 7 lines 10+). In light of the teaching from Fellegara, it would have been obvious to one of ordinary skill in the art to add a modifying unit to the communication device taught in Harris so as to allow digital images to be manipulated as desired by the users.

Allowable Subject Matter

5. Claims 20 and 22 are allowed.

6. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this office action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-0377.

NYV
05/30/2002



Ngoc-Yen Vu
Primary Examiner
Group Art Unit 2612